

PTO/SB/21 (04-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/824,254
Filing Date	04/14/2004
First Named Inventor	John F. Burd
Art Unit	3736
Examiner Name	Matthew J. Kremer
Attorney Docket Number	OCULIR03

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
return receipt postcard |
|--|---|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Or Individual name	Stephen C. Beuerle, Reg. No. 38,380 Procopio, Cory, Hargreaves & Savitch LLP
Signature	<i>Stephen C. Beuerle</i>
Date	9/13/04

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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American LegalNet, Inc.
www.USCourtForms.com

FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Complete If Known☒ Applicant claims small entity status. See 37 CFR 1.27

Application Number	10/824,254
Filing Date	04/14/2004
First Named Inventor	John F. Burd
Examiner Name	Matthew J. Kremer
Art Unit	3736
Attorney Docket No.	OCULIR03 (111928)

TOTAL AMOUNT OF PAYMENT (\$180)

METHOD OF PAYMENT (check all that apply)
☒ Check ☐ Credit card ☐ Money ☐ other ☐ None
☒ Deposit Account:

Deposit Account Number: 50-2075

Deposit Account Name: Procopio, Cory, Hargreaves & Savitch LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20** =	Extra Claims	X	Fee from below	=	Fee Paid	0
Independent Claims	-3** =		X		=		0
Multiple Dependent					=		0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 over original patent	
SUBTOTAL (2)				(\$)	0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	77	281C	385	Request for Continued Examination (RCE)	
1802	90	1802	900	Request for expedited examination of a design application	
Other fee (Specify) _____					
* Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	180
				(\$)	

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Stephen C. Beuerle	Registration No. (Attorney/Agent)	38,380	Telephone	619-238-1900
Signature	<i>Stephen C. Beuerle</i>	Date	9/30/04		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent
OCULIR03

published in Russian, has an English abstract. There is no English-language equivalent for this application. WO 01/10294 A1, published in German, has an English abstract. There is no English language equivalent for this application. WO 97/13448, published in German, has an English abstract. There is no English-language equivalent for this application. DE 19807939, published in German, has an English abstract. There is no English-language equivalent for this application. DE 4200332, published in German, has an English abstract. There is no English-language equivalent for this application.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION

This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office Action on the merits, but before a Final Action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR § 1.311. The fee due under 37 CFR § 1.17(p) is submitted herewith.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

A check in the amount of \$180.00 is enclosed for the above fee. The Commissioner is hereby authorized to charge any additional fees required by the filing of these papers, and to credit any overpayment to Procopio's Deposit Account No. **50-2075**.

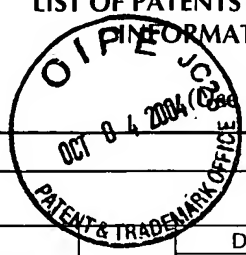
Dated: 9/30/04

Respectfully submitted,

By: 

Stephen C. Beuerle
Reg. No. 38,380

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101
(619) 238-1900

ATTY. DOCKET NO.
OCULIR03SERIAL NO.
10/824,254LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S
INFORMATION DISCLOSURE STATEMENTAPPLICANT:
John F. Burd, et al.FILING DATE:
April 14, 2004GROUP:
3736

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number	Publication Date/ Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code			
	AA	6,445,938 B1	09-03-2002	Berman et al.	
	AB	6,442,410 B1	08-27-2002	Steffes	
	AC	6,441,388 B1	08-27-2002	Thomas et al.	
	AD	6,430,424 B1	08-06-2002	Berman et al.	
	AE	6,424,851 B1	07-23-2002	Berman et al.	
	AF	6,424,850 B1	07-23-2002	Lambert et al.	
	AG	6,424,849 B1	07-23-2002	Berman et al.	
	AH	6,424,848 B1	07-23-2002	Berman et al.	
	AI	6,421,548 B1	07-16-2002	Berman et al.	
	AJ	6,362,144 B1	03-26-2002	Berman et al.	
	AK	6,268,604 B1	07-31-2001	Boyadzhyan-Sevak	
	AL	6,246,893 B1	07-31-2001	Gobeli	
	AM	6,203,496 B1	03-20-2001	Gael et al.	
	AN	6,181,957 B1	01-30-2001	Lambert et al.	
	AO	6,162,397 B1	12-19-2000	Jurik et al.	
	AP	6,122,536	09-19-2000	Sun et al.	
	AQ	6,113,537	09-05-2000	Castano	
	AR	6,088,605	07-11-2000	Griffith et al.	
	AS	6,072,180	06-06-2000	Kramer et al.	
	AT	6,061,582	05-09-2000	Small et al.	
	AU	6,049,727	04-11-2000	Crothall	
	AV	6,026,314	02-15-2000	Amerov et al.	

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EXAMINER: Please initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant. Thank you.

¹Applicant is to place a check mark here if English language translation is attached.

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		Number-Kind Code			
	AW	6,025,597	02-15-2000	Sterling et al.	
	AX	5,995,860	11-30-1999	Sun et al.	
	AY	5,995,236	11-30-1999	Roth et al.	
	AZ	5,991,653	11-23-1999	Richards-Kortum et al.	
	BA	5,969,815	10-19-1999	Toida et al.	
	BB	5,961,449	10-05-1999	Toida et al.	
	BC	5,910,109	06-08-1999	Peters et al.	
	BD	5,896,198	04-20-1999	Chou et al.	
	BE	5,835,215	11-10-1998	Toida et al.	
	BF	5,823,966	10-20-1998	Buchert	
	BG	5,820,557	10-13-1998	Hattori et al.	
	BH	5,791,344	08-11-1998	Schulman et al.	
	BI	5,786,584	07-28-1998	Button et al.	
	BJ	5,788,632	08-04-1998	Pezzaniti et al.	
	BK	5,756,318	05-26-1998	Kosuna	
	BL	5,755,231	05-26-1998	Krantz et al.	
	BM	5,719,034	02-17-1998	Kiser et al.	
	BN	5,713,353	02-03-1998	Castano	
	BO	5,687,721	11-18-1997	Kuhls	
	BP	5,666,956	09-16-1997	Buchert	
	BQ	5,660,163	08-26-1997	Schulman et al.	
	BR	5,615,672	04-01-1997	Braig et al.	

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		Number-Kind Code			
	BS	5,565,342	10-15-1996	Yoneta et al.	
	BT	5,556,761	09-17-1996	Phillips	
	BU	5,553,616	09-10-1996	Ham et al.	
	BV	5,553,613	09-10-1996	Parker	
	BW	5,535,743	07-16-1996	Backhaus et al.	
	BX	5,515,847	05-14-1996	Braig et al.	
	BY	5,497,772	03-12-1996	Schulman et al.	
	BZ	5,484,715	01-16-1996	Kado et al.	
	CA	5,476,656	12-19-1995	Kawaguchi et al.	
	CB	5,459,317	10-17-1995	Small et al.	
	CC	5,448,992	09-12-1995	Kuperschmidt	
	CD	5,434,412	07-18-1995	Sodickson et al.	
	CE	5,433,197	07-18-1995	Stark	
	CF	5,424,545	06-13-1995	Block et al.	
	CG	5,424,201	06-13-1995	Kado et al.	
	CH	5,370,114	12-06-1994	Wong et al.	
	CI	5,361,758	11-08-1994	Hall et al.	
	CJ	5,352,411	10-04-1994	Khuri	
	CK	5,332,667	07-26-1994	Kado et al.	
	CL	5,321,265	06-14-1994	Block	
	CM	5,313,941	05-24-1994	Braig et al.	
	CN	5,279,294	01-18-1994	Anderson et al.	

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		Number-Kind Code			
	CO	5,267,152	11-30-1993	Yang et al.	
	CP	5,243,983	09-14-1993	Tarr et al.	
	CQ	5,222,496	06-29-1993	Clarke et al.	
	CR	5,212,066	05-18-1993	Albarella et al.	
	CS	5,209,231	05-11-1993	Cote et al.	
	CT	5,194,615	03-16-1993	Jensen	
	CU	5,178,464	01-12-1993	Fraden	
	CV	5,169,235	12-08-1992	Tominaga et al.	
	CW	5,167,235	12-01-1992	Seacord et al.	
	CX	5,137,023	08-11-1992	Mendelson et al.	
	CY	5,086,229	02-04-1992	Rosenthal et al.	
	CZ	5,077,476	12-31-1991	Rosenthal	
	DA	5,070,874	12-10-1991	Barnes et al.	
	DB	5,068,536	11-26-1991	Rosenthal	
	DC	5,054,487	10-08-1991	Clarke	
	DD	5,024,533	06-18-1991	Egawa et al.	
	DE	5,013,550	05-07-1991	Haneishi et al.	
	DF	5,009,230	04-23-1991	Hutchinson	
	DG	4,975,367	12-04-1990	Albarella et al.	
	DH	4,932,789	06-12-1990	Egawa et al.	
	DI	4,918,054	04-17-1990	Haneishi et al.	
	DJ	4,901,729	02-20-1990	Hutchison	

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		Number-Kind Code			
	DK	4,901,728	02-20-1990	Hutchison	
	DL	4,898,813	02-06-1990	Albarella et al.	
	DM	4,882,492	11-21-1989	Schlager	
	DN	4,801,582	01-31-1989	Hikino et al.	
	DO	4,797,840	01-10-1989	Fraden	
	DP	4,790,324	12-13-1988	O'Hara et al.	
	DQ	4,787,398	11-29-1988	Garcia et al.	
	DR	4,637,403	01-20-1987	Garcia et al.	
	DS	4,627,445	12-09-1986	Garcia et al.	
	DT	4,575,551	03-11-1986	Fujiyama et al.	
	DU	4,557,933	12-10-1985	Haneishi et al.	
	DV	4,533,548	08-06-1985	Umezawa et al.	
	DW	4,482,543	11-13-1984	Suzuki et al.	
	DX	4,473,530	09-25-1984	Villa-Real	
	DY	4,396,763	08-02-1983	Tsuchiya et al.	
	DZ	4,390,622	06-28-1983	Cartwright	
	EA	4,330,533	05-18-1982	Takayama et al.	
	EB	4,313,935	02-02-1982	Komori et al.	
	EC	4,313,934	02-02-1982	Kitamura et al.	
	ED	4,312,979	01-26-1982	Takemoto et al.	
	EE	4,230,697	10-28-1980	Nishida et al.	
	EF	4,163,780	08-07-1979	Ishida et al.	

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[illegible]

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FORM PTO-1449 LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. OCULIR03	SERIAL NO. 10/824,254
	APPLICANT: John F. Burd, et al.	
	FILING DATE: April 14, 2004	GROUP: 3736

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date/Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ¹
✓	ET	WO 02/060321 A2	08-08-2002	Children's Hospital LA		
✓	EU	WO 02/065090 A2	08-22-2002	Instrumentation Metrics		
✓	EV	WO 02/16905 A2	02-28-2002	Euroceltique, S.A.		
✓	EW	WO 01/79818 A2	10-25-2001	Medoptix		
✓	EX	WO 01/45560 A1	06-28-2001	Muzhikov		
✓	EY	WO 01/22871 A1	04-05-2001	Univ. of Conn.		
✓	EZ	WO 01/10294 A1	02-15-2001	Gesellschaft Zur Forderung Der...		
✓	FA	WO 00/60350	10-12-2000	Univ. of Conn.		
✓	FB	WO 00/21437	04-20-2000	Berman et al.		
✓	FC	WO 00/16692	03-30-2003	Proniwicz et al.		
✓	FD	WO 00/02479	01-20-2000	Children's Hospital LA		
✓	FE	WO 99/44496	09-10-1999	Universal Healthwatch		
✓	FF	WO 99/43255	09-02-1999	University of Iowa Research Foundation		
✓	FG	WO 99/18848	04-22-1999	Castano		
✓	FH	WO 98/52469	11-26-1998	Buchert		
✓	FI	WO 98/01071	01-15-1998	Animas Corporation		
✓	FJ	WO 98/00703	01-08-1998	Plus Bio, Inc.		
✓	FK	WO 97/43947	11-27-1997	Buchert		
✓	FL	WO 97/39686	10-30-1997	Castano		
✓	FM	WO 97/25915	07-24-1997	Diasense, Inc.		
✓	FN	WO 97/28438	08-07-1997	Instrumentation Metrics		

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INFORMATION DISCLOSURE STATEMENT

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ATTY. DOCKET NO.
OCULIR03SERIAL NO.
10/824,254APPLICANT:
John F. Burd, et al.FILING DATE:
April 14, 2004GROUP:
3736

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	FQ	WO 95/22046	08-17-1995	University of Iowa Research Foundation		
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	FU	WO 92/07511	05-14-1992	Univ. of Conn.		
	FV	WO 90/07905	07-26-1990	Futrex, Inc.		
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	GA	EP 0 733 647 B1	01-12-2000	Amino Up Chemical Co., Ltd.		
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	HH	EP 1 219 232 A1	07-03-2002	Biox Corporation		
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	HW	JP 2001-037741	02-13-2001	Matsushita Electric Works Ltd.		

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	HY	JP 2000-074915	03-14-2000	Lifescan, Inc.		
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	IP	JP 04-339257	11-26-1992	Terumo Corp.		

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	IQ	CAMERON, et al., "The use of polarized laser light through the eye for noninvasive glucose monitoring", Diabetes Technology & Therapeutics, Vol. 1, No. 2, 135-143 (1999)	
	IR	CAMERON, et al., "Measurement of the glucose transport time delay between the blood and aqueous humor of the eye for the eventual development of a noninvasive glucose sensor", Diabetes Technology & Therapeutics, Vol. 3, No. 2, 201-207 (2001)	
	IS	STEFFES, "Laser-based measurement of glucose in the ocular aqueous humor: An efficacious portal for determination of serum glucose levels", Diabetes Technology & Therapeutics, Vol. 1, No. 2, 129-133 (1999)	

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